Rama Varmha Tampuran.—There is no objection to include this society in the list of those to be enquired into by Mr. Devadhar.

Mr. M. A. Chakko.—The Areepalam Society also.

Rama Varmha Tampuran.—There is absolutely no objection.

Mr. P. Kumaran Ezhuthassan.—Is there any difficulty in requesting Mr. Devadhar to enquire into all the societies?

Rama Varmha Tampuran.—It was not considered to be absolutely necessary that all societies should be enquired into. It was thought that inspection of a few typical societies would be enough. If any other Hon'ble Member wants more societies to be inspected by Mr. Devadhar, Government have no objection.

Mr. K. T. Mathew.—If the Government were to grant us some time we shall submit a list of those societies to be enquired into by Mr. Devadhar and we would leave it to Government to accept it or not.

Rama Varmha Tampuran.—We have not received any list as yet. If one is received we shall forward it to Mr. Devadhar.

Mr. K. T. Mathew.—I do not press the motion.

Motion was, with leave, withdrawn.

Demand put and carried.

3. 16—Law and Justice—B(1) and B(3)—Chief Court and Munsiff's Court Establishments—Rs. 384.

Mr. Thomas Manjuran.—Sir, I beg to move for an additional grant of Rs. 384 for Law and Justice under B(1) and B(3) Chief Court and Munsiff's Court Establishment.

The Judges of the Chief Court brought to the notice of Government that in the Chief Court and the Irinjalakkuda Munsiff's Court, work had considerably increased and that the appointment of an additional clerk in each of the Courts on Rs. 25—40 was highly necessary to cope with the increased work. Of course the recommendation of the Chief Court carried with it the guarantee of the absolute necessity for the expenditure and the expenditure had to be incurred. I request the Hon'ble Members to vote the amount.

Mr. K. G. Nayar.—Is it a temporary establishment or a permanent one?

Mr. Thomas Manjuran.—As it stands it will be a permanent establishment.

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Mr. George Chakyamuri.—Have these appointments already been made?

Mr. Thomas Manjuran—Yes.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—നിയമിച്ചതു് ആരെയാണന്നു് അറിഞ്ഞാൽ കൊള്ളാം.

മിസ്റ്റർ തോമാസ്സു് മാഞ്ഞൂരാൻ.—അവരുടെ പേരെന്നിക്കറിഞ്ഞുകൂടാ.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—പേരറിയണ്ട. അവരുടെ ജാതി ഏപ്പെരെന്താണന്നറിഞ്ഞാൽ മതി.

Mr. Thomas Manjuran.—With regard to the appointments of these two clerks only departmental promotion was given.

Mr. K. Ayyappan.—Whether any new appointment was made?

Mr. Thomas Manjuran.—I got this cut motion only yesterday and I had no time to enquire whether any new appointment was made. I suppose the Hon'ble Member for Palliviruthi does not know that it may not be necessary in certain cases to recruit new hands to replace those promoted. There will be acting hands. Here what has been done is to appoint two clerks on Rs.25—40, the lowest grade of a clerk. Now, supposing there were acting hands about to be discharged it may not then be necessary to recruit any new hand at all.

Mr. P. Kumaran Ezhuthassan.—What is it that has actually taken place?

Mr. Thomas Manjuran.—I have not got more information.

Mr. George Chakyamuri.—The Member may be asked to get himself posted with thenecessary information and then the motion may be taken up to-morrow.

Motion No. 1.

Mr. K. Ayyappan.—*To reduce the allotment of Rs. 384 for Law and Justice by Re. 1.*

To request the authorities to appoint members of unrepresented communitees to the new posts.

ഈ ഉദ്യോഗങ്ങൾ ചിലപ്രത്യേക ആളുകൾക്കുവേണ്ടി ഉണ്ടാക്കിയതൊ, സബ്ജീസ്സിന്റെ ആവശ്യത്തിനുണ്ടാക്കിയതൊ എന്നറിയാനാണു് ഞാനാവശ്യപ്പെട്ടതു്. ഇപ്പോൾ ഉദ്യോഗമില്ലാത്ത അനവധി ആളുകൾ വളരെ ബുദ്ധിമുട്ടനുഭവിക്കുന്നുണ്ടു്. ഈ ബുദ്ധിമുട്ടു് നിയമനാധികാരികളുടെ സ്വന്തക്കാർക്കും ഇഷ്ടന്മാർക്കും ഉണ്ടാകുമ്പോൾ എന്തെങ്കിലും പേരുപറഞ്ഞു് അവർക്കുവേണ്ടി ഉദ്യോഗങ്ങൾ ഉണ്ടാക്കി എന്നുവരാം. പ്രമോഷൻ കൊടുക്കുന്നതും ഇങ്ങനെ തന്നെയാവാം. നിയമിച്ചതു് ആരെയെന്നു തീച്ചയില്ല എന്നു ലാമെമ്പർ പറയുകയുണ്ടായി. ഞാൻ ഇതിലേക്കു് ഒരുകട്ടു്

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മോഷൻ സമയത്തിന്നു് അയച്ചിട്ടും അതു സംബന്ധിച്ചു് ആവശ്യപ്പെട്ടവിവരം അറിഞ്ഞുകൂടെ എന്നു പറയുന്നതിന്റെ അർത്ഥം എനിക്കു മനസ്സിലാകുന്നില്ല. ഞാൻ ഈ കട്ടു്മോഷൻ അയച്ചിട്ടുള്ളതു് ഇതിനെപ്പറ്റി അറിയേണ്ട വിവരങ്ങളെല്ലാം അറിയണം എന്നു കരുതിയാണു്. നാലഞ്ചു ദിവസം മുമ്പെയാണു് ഞാൻ ഈ കട്ടു് മോഷ്നയച്ചതു്. എന്റെ കട്ടുമോഷനെ സംബന്ധിച്ചു വിവരങ്ങൾ അന്വേഷിക്കുവാൻ ഇതിനകം ഗവൺമെൻറിന്നു് ധാരാളം സമയമുണ്ടായിരുന്നു. പ്രാതിനിധ്യമില്ലാത്ത സമുദായങ്ങളുടെ കാര്യത്തിൽ ഗവൺമെൻറു തിരെ ശുപാർശചെയ്യുകാണാറില്ല. ഇപ്പോൾ സബ്ജീസ്സു കമ്മീഷൻ തുടങ്ങുവാൻ പോകുന്നുണ്ടു്. അതു് വരുന്നതിന്നു് മുമ്പു തൽക്കാലം ഞങ്ങളുടെ ജാതിക്കാർക്കു് കൊടുക്കാനുള്ളതു കൊടുക്കട്ടെ എന്നു് പരസ്യമായി ചില നിയമന ഉദ്യോഗസ്ഥന്മാർ പറഞ്ഞു തുടങ്ങിയിരിക്കുന്നതായി അറിയുന്നു. ഇങ്ങനെയായാൽ പ്രാതിനിധ്യമില്ലാത്ത സമുദായങ്ങൾ വളരെ സങ്കടത്തിലാകും. ഇവിടെ ഒരു ബഹുമാനപ്പെട്ട മെമ്പർ പറഞ്ഞതു പോലെ പാമ്പുകളെ വരുത്തി വിഷമിറക്കുക എന്ന രീതിയിൽ ഉള്ള ഒരു പ്രയോജനമാണു് ഈ നിയമസഭയ്ക്കുള്ളതു്. ഈ ധർമ്മമെങ്കിലും ഞങ്ങൾ നിറവേറ്റിയില്ലെങ്കിൽ കഷ്ടമല്ലെ എന്നു് വിചാരിച്ചാണു് അവസരം കിട്ടുമ്പോഴെല്ലാം ഈ സംഗതി ഞാൻ പറയുന്നതു്.

Mr. Thomas Manjuran.—All that I have to say in this connection is that the appointments have already been made. The reason given for the Hon'ble Member's cut motion is this: "To request the authorities to give the new posts to members of unrepresented communities." The appointments have already been made by the Chief Court. When the appointments were made by the highest court in the land, I dare say that they must have been made properly.

Mr. K. T. Mathew.—Have their salary for any month been paid, at least for one month?

Mr. Thomas Manjuran.—I have not the information at hand. I think the salary must have been paid. I have no definite information. This cut motion came rather late. These appointments were made a few months ago.

Mr. K. T. Mathew.—May I know whether any statement to this effect has been placed before the Council?

Rama Varmha Tampuran.—The expenditure has not been completely incurred. An additional amount will be necessary only at the close of the year.

Mr. K. G. Nayar.—Have not the Government stated several times in this House that they will consider the claims of unrepresented communities in making appointments?

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Mr. Thomas Manjuran.—Whether the Government or the Heads of Departments have given such an assurance, it does not matter. For even without that all the Heads of Departments are trying their level best to give preference to the claims of unrepresented communities.

Mr. K. G. Nayar.—May I know, Sir, whether in making these two appointments the claims of unrepresented communities were considered ?

Mr. Thomas Manjuran.—When these appointments were made they must have been duly considered. In the case of one of these appointments I must say that the candidate selected happens to be an Ezhuva by caste. Hon'ble Members must also remember that the Heads of Departments have got certain obligations. When there are men who have acted for periods of six months, one year, two years and so on they are bound to give preference to them. The rights of those candidates cannot be ignored.

Mr. P. Krishna Menon.—Was a note on this supplementary grant prepared and sent to the Members ?

Mr. C. J. Mathew.—Yes.

Mr. George Chakyamuri.—I should like to support this motion since it is a challenge to this side of the House. It has been repeatedly brought to the notice of the Government that no expenditure should be incurred without the leave of the House. Now what do we hear ? "We have made the appointments and we have incurred the expenditure. You should now sanction the grant." I say that is a challenge to this House. I am aware that the recommendation made by the highest court in the land is entitled to its own respect as much as any one else. But that is not my complaint. My objection is about the incurring of expenditure without the sanction of the House. Now no statement was placed before this House though the expenditure was incurred a few months ago. Then what is the use of coming and asking us to vote for a demand the expenditure of which has already been incurred? Now suppose we disallow the demand. What is the position? The Government will certainly certify the expenditure. Therefore I say that it is a challenge to this House. It is all easy to say for the Law Member that the cut motion was brought to his notice only yesterday and that he does not know who has been appointed. But are we to blame for that? Perhaps caste Hindus might have been appointed. I do not speak with authority. It has been repeatedly pressed in this House that the claims of unrepresented communities should be considered and they should be preferred. Therefore I think that this

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House, in the interests of its own self-respect, should take this as a challenge from the Government and oppose this demand.

Mr. Thomas Manjuran.—May I make an explanation, Sir? I think the Hon'ble Member for Palliviruthi is rather misinformed, and if he had carefully read the cut motion this criticism may not have come. What is the basis of the cut motion? 'To request the authorities to appoint members of the unrepresented communities to the new posts'. If the appointments have already been made, is the Law Member also expected to ascertain, without further requisition, as to who those people appointed were? I can quite understand him. The motion is intended to cover a certain definite point, that is to say, that those appointments should be given only to a particular community. But the appointments have already been made.

Mr. George Chakyamuri.—It may not be the fault of the Law Member but it is the fault of the Government.

Mr. Thomas Manjuran.—What I submit for consideration is this: This information was not procured because that is not within the ambit of the cut motion. The cut motion is practically a recommendation to the Government that the appointments should be made from members of unrepresented communities. As soon as I got the cut motion, I enquired and got the reply which I have placed before the House. But strictly speaking the matter did not come within the cut motion.

Mr. P. Krishna Menon.—The note to the Standing Finance Committee says this:—"A clerk on Rs. 25—40 was sanctioned to each court." Therefore the proposer of the cut motion naturally inferred that it has only been sanctioned but not 'appointments made' and therefore he wrote that the appointments should be given to particular classes.

Mr. Thomas Manjuran.—I do not blame him at all.

Mr. P. Krishna Menon.—Therefore, it is not correct to say that it is beyond the cut motion. Therefore, the matter is within the ambit of the cut motion. I beg to submit that if the appointments had been made and the pay also has been disbursed for one month or two months, whatever that may be, so much may be granted by the Council, if the Government come before the Council in proper form, that is, for money already spent. With regard to the future, they may come in the proper form again. Therefore, I support the motion generally speaking; but it is my individual opinion., as was said by the Hon'ble Member for Palliviruthi, that the demand itself has to be thrown out. As I said, so far as it has been spent, it may be allowed if the House is going to allow the grant, but at any rate, the cut motion shoud be voted upon.

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Deputy President.—There is no question to throw out the whole amount.

Mr. C. A. Ouseph.—I also support the motion for reduction. The Hon'ble Member for Law was trying to get out of the muddle somehow.

Mr. Thomas Manjuran.—It is no muddle, Sir.

Mr. C. A. Ouseph.—The motion is clear and whatever information was required by this House should have been forthcoming either from the Hon'ble Member or from the other Members of the Government. The motion is intended to request the authorities to fill up the new posts by appointing members of the unrepresented communities. That involves certain points on which the Government should have been ready to supply information to the members. They are whether the appointments have already been made, and if appointments have been made whether this particular request has been satisfied in regard to those appointments. There is no meaning therefore, in saying that these questions do not really arise. Whether the appointments have been made or not the Government members should have been ready with the necessary information. It is to the interest of the Government to see that the orders of Government for the representation of unrepresented communities are always carried out and whenever appointments are made, Government, as watch dogs, should have seen whether the injunctions of the Government are obeyed. What is the meaning of coming now and saying: "We do not know." The Law Member represents the Government. Government knows or ought to know what each part of it does. If it does not it is a sleeping Government. We cannot regard it like that. After all, the Chief Court is one part of the Government. So, the Government should ascertain what it has done. What is the use of Government saying "We do not know." I have absolutely no quarrel with the Member for Law. But what is the Government doing? Is there not a Secretariat to which reports of appointments go from time to time? There is a rule that all these should be notified by Government. Now, we say certain points should be considered in making appointments. You say, "we do not know, appointments have already been made." I am disposed to think that the adoption of such attitude is quite discourteous to this House.

Mr. Joseph Pettah.—What is the difficulty of Government in appointing people from unrepresented communities to those posts?

Mr. Thomas Manjuran.—If the House wants definite information on this matter, I shall ascertain and supply it tomorrow.

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Mr. K. T. Mathew.—Will this motion be brought forward to-morrow?

Deputy President.—We can't put off every motion. I cannot allow it.

Mr. Joseph Pettah.—Do not these cut motions appertain to the Department of Law and Justice and therefore is not the Law Member expected to know who the persons that are appointed?

Mr. Thomas Manjuran.—The Law Member can only do his best. I said I will try to place the information to-morrow. After all, I believe that monthly statements are issued with regard to the persons appointed.

Deputy President.—You can reply when your turn comes. If you are to reply to each member separately, we will have no time to go through our business.

Mr. Joseph Pettah.—Even if the names may not be mentioned, at least the Government can tell us. .....

Deputy President.—He does not know it. That the Hon'ble Member plainly said.

Mr. P. Kumaran Ezhuthassan.—The Hon'ble Member says that he can supply the information to-morrow.

Deputy President.—The Hon'ble Member said that he will try to place the information to-morrow. I cannot allow any further question on the same point.

Mr. Joseph Pettah.—I beg to support the cut motion. I find here a case where Government have not been doing their duty in the way of supplying us with any of the things which are necessary for the relevant discussion of this particular cut motion. In answer to very many interpellations made on the floor of this House Government have again and again answered that they have laid down the principle of "representation, as far as possible with reference to the communities", and that they have, for many years, been practising or acting by this principle of adequate representation to unrepresented communities. In this particular case, we are not told what difficulties the Government had in not appointing members of the unrepresented classes to these new posts; and as long as we are kept in the dark about the particular difficulties the Government had, we are inclined to think that they had no difficulties whatever and that this action was a violation, and an express violation, of that salutary principle once laid down with regard to the representation of unrepresented classes. The Member, who tabled this cut motion, did very properly in stating the object of his motion as "to request the Government to appoint members of the unrepresented communities to the new posts", since the Govern-

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ment note explaining the necessity of the grant spoke only of the sanctioning of two new posts; it never made it clear that the appointments were already made. Therefore, if, when the cut motion came, the appointments had already been made, and made in accordance with the spirit of the cut motion, that is to say, if members of unrepresented communities had been appointed, the Government could have very well said: "Look here, we have already anticipated the spirit of the cut motion". That would have given very great satisfaction to the non-official members of this House. Again there was a clear indication in the cut motion. The request was to appoint to the new posts members of unrepresented classes. Therefore, when motion came, it was the Government's duty to see whom they had appointed and, if these were not members of unrepresented communities, just to explain to this House why it was that in this particular case Government could not keep to the salutary principle of giving representation to unrepresented communities. Therefore, it would seem that all this assurance about the representation of unrepresented communities is mere "lip-loyalty". Every time the Government members come to the floor of this House and say, "For very many years now we have been respecting the principle of communal representation and putting it into practice." But when it comes to actual facts there is nothing there. How then are we to be convinced of the bona fides of the Government? We are seriously inclined to think that Government are trying to fool the Hon'ble Members of this House. As one Hon'ble Member said, it is almost a challenge to this House; and, if we take it in that spirit, we have not only to support this cut motion—I would go even one step further and say that the whole motion will have to be turned down. But as it is, there is only a token motion before the House, and I strongly support it.

Mr. A. Sankara Poduval.—I too support this motion. The rights of the non-official members are being encroached upon little by little. To-day, we had the very unfortunate incident of the Financial Member placing on the table under Rule 52 of the Legislative Council Regulation Rules 5 items of expenditure which Government have met without taking the consent of the House. This works out at a large figure. These amounts have already been spent and the Finance Member placed this list on the table under Rule 52. Here again, there is another item. "We have spent this amount. Give us sanction". This is invading upon our rights little by little. The Travancore Councils have had their sittings this year. We could have had a sitting before this and if the Government was not pleased to have a sitting earlier,

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the blame is entirely theirs. Therefore, on principle, I object to this discourteous attitude of the Government in ignoring the rights of the non-official members.

Now, in regard to the other aspect of the question, whether the unrepresented communities should be given more encouragement. We have been sufficiently clear upon that point. But I am unable to make any statement in this behalf, because we do not know whether any of the two officers happen to be from among the unrepresented communities. Possibly, as the Hon'ble Member said, one of them belongs to an unrepresented community, if that is correct information. Any way, I want to emphasise the fact that complaints have been reaching us from the members of the unrepresented communities that when new appointments, promotions, etc., have been made, they have not been appointed, and that the opinion expressed by non-official members in this House that the unrepresented communities could be encouraged, is being unheeded. I have come to know that in the Income-tax Department newly opened, there is not yet any single Ezhuva, Jew or Muslim available for appointment has been selected. There are other instances. One or two appointments have yet to be made, and we are yet to know whether any member of the unrepresented community has any chance. Why should the resolution passed in this House be ruthlessly brushed aside? I want to make it clear to the House that the consensus of opinion expressed in this House should be heeded.

Mr. K. G. Nayar.—Sir, after hearing the Hon'ble Member for Law and his explanation regarding the queries relating to his department, we feel constrained, on this non-official side, to observe that unless we are possessed with certain materials on which the non-official members could talk, there is no use or necessity served by sending in these cut motions and by such vague answers being given by responsible officers of Government. I think the Hon'ble Member for Law will agree with me that the spirit of the mover in sending this cut motion is very clear on the face of it, *viz.*, to impress upon the attention of the Government that their promise to give unrepresented communities proper representation in the State service ought to be kept up; and now that an opportunity has arisen, where two appointments are to be made please consider this matter. When such is the obvious meaning that one can find apparently from the very face of it, from the way in which the motion has been worded, I think that the Hon'ble Member for Law could have proceeded with his enquiry further when answers were given to him that appointments are made, whether as a matter in fact the spirit of this motion has been observed in the matter

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of those appointments. Of course, in the absence of such definite data being furnished to this Council, I do not wish to say more, except it be to impress upon the attention of the Government that since for the past 9 years this House has been unanimously voicing the grievances of the unrepresented communities in the matter of appointments to State service, however small the appointments may be, however low the pay may be the Government will do well to consider that matter rather than come forward at the last moment and say, 'appointments have already been made. We do not know whether this cut motion will be in order and will serve any useful purpose'. For want of definite data I request the Government to see that such things are not repeated hereafter and that proper recognition is given to the non-official opinion voiced forth on the floor of this House.

Mr. Thomas Manjuran.—I wish just to say a few words.

Deputy President.—Under what section do you claim that right ?

Mr. Thomas Manjuran.—Rule 25—proviso.

Mr. A. Sankara Poduval.—The President can allow.

Mr. Thomas Manjuran.—I do not wish to say anything much in this matter which has been sufficiently well discussed. What I want to state is that absolutely no discourtesy to the Members of this House, was intended nor was there the least intention to disregard the opinions expressed by the Hon'ble Members of this House. It was a pure accident that the Law Member could not get the information that is now asked for by the mover of this motion. It was in fact thought that no further enquiry was to be made by me as to who the persons were in view of the fact that the appointments were already made. I shall be able to supply the information to-morrow. But the President has not allowed an adjournment. I can only assure the Hon'ble Members that the Government is acting fully up to the promises that have been from time to time made by the Government with regard to appointments being given to unrepresented and backward communities. I believe every month statements an being issued by Government. In the instant case, the Chief Court pressed the Government for the appointments and when the Chief Court insisted upon the appointments the Government could not put the matter off and the Government sanctioned the appointments and the appointments were made. With regard to the next motion, I have got definite information.

Deputy President.—You can deal with it when you come to that.

Mr. Thomas Manjuran.—I have been trying to collect information. I would request the House to consider that no

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indignity whatsoever was meant nor was there the least intention to suppress information. All that could be done was done. It is unfortunate that this information could not be supplied. In these circumstances, I would request that the grant may be voted without any reduction.

Motion put and carried.

Deputy President.—Then the whole demand minus Re. 1 has to be put.

Mr. K. T. Mathew.—I oppose it, Sir.

Demand put and negatived.

Mr. K. T. Mathew.—Poll, Sir.

The House divided—Ayes 17, Noes 18 and Neutrals 3.

	Ayes.		*Noes.*
1	Mr. K. Achyuta Menon	1	Mr. K Ayyappan
2	,, M. P. Cherian	2	,, C. Barton Wright
3	,, M. Krishna Menon	3	,, M. A Chakko
4	,, A. I. Mani	4	,, K. G. Nayar
5	,, C. J. Mathew	5	,, K. M. Ibrahim.
6	,, I. N. Menon	6	,, E. Ikkanda Warriar
7	,, T. Narayana Menon	7	,, C. N. Ittiravi Nambudiri
8	,, P. Nilakanta Menon	8	,, P. S. Kesavan Nambudiri
9	,, Paul P. Mampilli	9	,, P. Krishnan Menon
10	Dr. D. Raghavendra Rao	10	,, T. K. Nayar
11	Mr. P. Raman Menon	11	,, P. Kumaran Ezhuthassan
12	,, M. K. Raman	12	,, K. T. Mathew
13	Rama Varmha Thampuran	13	,, K. Mohamed Seethi
14	Mr. P. V. Raphael	14	,, C. A. Ouseph
15	,, P. V. Subramania Ayyar	15	,, T. A. Ramachandra Ayyar
16	,, Thomas Manjuran	16	Dr. K. Sankara Menon
17	,, P. C. Varkey	17	Mrs. Swaris
		18	Mr. K. P. Vallon

Neutrals.

1 Mr. Joseph Pettah
2 ,, S. S. Koder
3 ,, A. Sankara Poduval.

4. 16—Law and Justice - B (5) Copyists—Rs. 120.

Mr. Thomas Manjuran.—I beg to move for a grant of Rs. 120 under 16—Law and Justice—B (5)—Copyists. Two copyists had to be appointed, one in the Irinjalakkuda Munsiff's Court and the other in the Chief Court. In this case I have got information. One of the two appointments was given to an Ezhuva and the other is of course a caste Hindu.

Mr. C. A. Ouseph.—Of what caste ?

Mr. Thomas Manjuran.—I do not know. One is a caste Hindu and the other is an Ezhuva. There are only two appointments. Both are the senior most acting hands.

Mr. K. Ayyappan.—I do not move the cut motion.

Hence the following motion was considered withdrawn.

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